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EXAMINER
RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
2191	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/696,817	LE, HIEN K.
		Examiner	Art Unit	
		Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

1.   This action is in response to the amendment filed on 06/28/2007.

2.   The objection to specification due to abstract more that 150 words is withdrawn in view

of Applicant's amendment.

3.   The objection to use of trademarks is withdrawn in view of Applicant's

comments/amendment.

4.   Claims 1-20 are pending.

Response to Arguments

5.   Applicant's arguments filed 06/28/2007 have been fully considered but they are not

persuasive.

In the remarks, the applicant has argued that:

> Even assuming for the sake or argument that the database containing information on an organization and its suppliers or the multiple repository system in *Miller* could be properly considered *a database associated with the server system and containing resources accessible to the client systems using the server system in connection with one or more software development projects*, as independent Claim 1 recites, *Miller* would still fail to disclose, teach, or suggest that the database in *Miller*, the multiple repository system in *Miller*, or a combination of the two contains, as independent Claim 1 recites, *first resources specifying a plurality of tasks to be performed within the process and specifying for each task one or more of:*
>
> - *a description of the task;*
> - *a description of how the task relates to the standard;*
> - *one or more activities to be performed for the task;*
> - *which personnel should perform the activities for the task;*
> - *one or more deliverables to be generated for the task;*
> - *one or more expected artifacts according to which the process will be measured against the standard; and*
> - *an expected time to complete the task.*
>
> The database in *Miller* merely contains information on an organization and its suppliers. Moreover, the multiple repository system in *Miller* merely contains stored templates that users can access to compose documents through the stored templates. Nowhere does Miller disclose, teach, or suggest that either or both contain each and every one of the *first resources*, as independent Claim 1 recites.

Examiner's response:

In response to Applicants arguments, Miller discloses a method and related system for

assisting and expediting an organization's transformation toward higher levels of the Capability

Maturity Model (CMM) or other derivative maturity models. In particular, the present invention

provides a method for producing a more mature product. A preferred embodiment of the method

comprises the managing an organization developing the product, whereby the organizational

management comprises managing personnel of the organization and implementing a product

improvement process. The method may further comprise managing a project for developing the

product and managing the delivery of the product. Furthermore, actions undertaken during the

organizational management affects implementation of the project and delivery managements,

and the actions undertaken during the project and delivery managements likewise affect

implementation of the organizational management (paragraph [0015]). For the limitations as

argued by the applicants Miller explicitly discloses the feature as claimed i.e.,

a database associated with the server system and containing resources accessible to the

client systems using the server system in connection with one or more software development

projects *(paragraph [0311] "...the navigator 1460 may forward the name of the document, the*

project of interest, and server storing the document. In response, one of the ASPs 1420

accesses the database engine 1430 to locate the desired template..."), the resources comprising

at least:

first resources specifying a plurality of tasks to be performed within the process

(paragraph [0040] "FIG. 2A, the organization then continues the process... planning and

organizing the SEPG...by organizing the SEPG project resources... task is performed

iteratively as needed to organize" and paragraph *[0045] "Work packages are generally*

described in the CMM criteria and generally relate to the tasks and functions given to the

various workers in a project") and specifying for each task one or more of:

a description of the task *(paragraph [0092] "Step 320 involves coordinating the tasks*

associated with defining a strategy for the organization");

a description of how the task relates to the standard *(paragraph [0093] "The first task in*

step 320, as illustrated in FIG. 3C, is to identify an organization strategy");

one or more activities to be performed for the task *(paragraph [0040] "These tasks are*

performed in view of each project's requirements");

which personnel should perform the activities for the task *(paragraph [0044] "An*

organization performs this step 225 to orient and train team members, to coach and evaluate

team members, and to manage the physical resources assigned to the project");

one or more deliverables to be generated for the task *(paragraph [0045] "tasks and*

functions given to the various workers in a project... project team then performs the work

needed to develop the required deliverable good");

one or more expected artifacts according to which the process will be measured against

the standard *(paragraph [0062] "During the meeting, the SEPG liaisons and project managers*

should review the matrix and determine which items have been met and those that would

require additional information or documentation (artifacts)"); and

an expected time to complete the task *(paragraph [0039] "determine a timeline for the*

estimate");

Therefore, the rejection is proper and maintained herein.

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another
> filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the invention by the applicant for patent,
> except that an international application filed under the treaty defined in section 351(a) shall have the effects
> for purposes of this subsection of an application filed in the United States only if the international application
> designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent

No. 2006/0235732 to Miller et al. (hereinafter, Miller).

Per claim 1:

Miller discloses:

A system facilitating software engineering and management in connection with a software development project according to a process that is compliant with a qualitatively measurable standard, comprising:

a server system operable to communicate with a plurality of client systems (See Fig. 11B and related discussion); a database associated with the server system and containing resources accessible to the client systems using the server system in connection with one or more software development projects (paragraph [0311] "...the navigator 1460 may forward the name of the document, the project of interest, and server storing the document. In response, one of the ASPs 1420 accesses the database engine 1430 to locate the desired template..."), the resources comprising at least:

first resources specifying a plurality of tasks to be performed within the process (paragraph [0040] "FIG. 2A, the organization then continues the process...planning and organizing the SEPG...by organizing the SEPG project resources... task is performed iteratively as needed to organize" and paragraph [0045] "Work packages are generally described in the CMM criteria and generally relate to the tasks and functions given to the various workers in a project") and specifying for each task one or more of:

a description of the task (paragraph [0092] "Step 320 involves coordinating the tasks associated with defining a strategy for the organization");

a description of how the task relates to the standard (paragraph [0093] "The first task in step 320, as illustrated in FIG. 3C, is to identify an organization strategy");

one or more activities to be performed for the task (paragraph [0040] "These tasks are performed in view of each project's requirements");

which personnel should perform the activities for the task (paragraph [0044] "An organization

performs this step 225 to orient and train team members, to coach and evaluate team members,

and to manage the physical resources assigned to the project");

one or more deliverables to be generated for the task (paragraph [0045] "tasks and functions

given to the various workers in a project... project team then performs the work needed to

develop the required deliverable good");

one or more expected artifacts according to which the process will be measured against the

standard (paragraph [0062] "During the meeting, the SEPG liaisons and project managers should

review the matrix and determine which items have been met and those that would require

additional information or documentation (artifacts)"); and

an expected time to complete the task (paragraph [0039] "determine a timeline for the estimate");

and

second resources comprising one or more templates (paragraph [0251] "the organization selects

the relevant authoring and development tools and to define standards, templates, and

development procedures"), each template operable to be customized in generating one or more

deliverables for one or more tasks (paragraph [0049] "Any acceptance of final deliverables takes

place in connection with completing the program");

the server system operable to, at one or more times during a software development project:

receive from a user associated with a client system a request for one or more resources

(paragraph [0115] "As the program determines its resource needs, the Program Resource

Request is completed to obtain the resources");

retrieve the requested resources from the database (paragraph [0115] "the Program Resource

Request is completed to obtain the resources"); and

provide the requested resources to the user in connection with the software development project

(paragraph [0115] "the organization may generally analyze resource requirements, initiate the

procurement of goods and services, obtain human and physical resources from participating

entities, assign these resources to projects, and release the resources upon project completion").

Per claim 2:

The rejection of claim 1 is incorporated and further, Miller disclose:

The system of claim 1, wherein the standard comprises one or more maturity levels (paragraph

[0015] "the present invention provides a method for producing a more mature product"), each

maturity level comprising a plurality of key practice areas, each key practice area comprising a

plurality of goals, each goal comprising a plurality of key practices (paragraph [0006] "The SW-

CMM model defines five capability levels and identifies Key Process Areas (KPAs). The CMMI

model replaces the KPAs with Process Areas (PAs). The lower levels of the CMMI and the

related PAs focus mainly on management processes and industry minimal standards. Higher

CMMI levels and the related PAs generally focus more on organizational and technical

processes. The higher levels and their PAs also strive for "industry-best" practice").

Per claim 3:

The rejection of claim 2 is incorporated and further, Miller disclose:

The system of claim 2, wherein the standard comprises the Software Engineering Institute's

Software Capability Maturity Model (SEI/SW-CMM) (paragraph [0003] "The Capability

Maturity Model.RTM. (CMM.RTM.) may refer specifically to the Capability Maturity Model for

Software (SW-CMM) or, more generally, to a number of other process improvement models

developed by the Software Engineering Institute (SEI) and registered to Carnegie Mellon

University. The SW-CMM was the first model developed by the SEI...").

Per claim 4:

The rejection of claim 2 is incorporated and further, Miller disclose:

The system of claim 2, wherein the description of how the task relates to the standard comprises

an identification of one or more maturity levels, key practice areas, goals, and key practices to

which the task relates (paragraph [0006] "The SW-CMM model defines five capability levels

and identifies Key Process Areas (KPAs). The CMMI model replaces the KPAs with Process

Areas (PAs). The lower levels of the CMMI and the related PAs focus mainly on management

processes and industry minimal standards. Higher CMMI levels and the related PAs generally

focus more on organizational and technical processes. The higher levels and their PAs also strive

for "industry-best" practice").

Per claim 5:

The rejection of claim 1 is incorporated and further, Miller disclose:

The system of claim 1, wherein each template comprises one of: a standard template generic to a

plurality of software development projects within an enterprise (paragraph [0251] "the

organization selects the relevant authoring and development tools and to define standards,

templates, and development procedures"); and a deliverable generated in connection with a

previous software development project (paragraph [0049] "Any acceptance of final deliverables

takes place in connection with completing the program").

Per claim 6:

The rejection of claim 1 is incorporated and further, Miller disclose:

The system of claim 1, wherein the server system is further operable to, at one or more times

during a software development project: receive a deliverable generated in connection with the

software development project (paragraph [0049] "Any acceptance of final deliverables takes

place in connection with completing the program"); store at least a portion of the deliverable in

the database (paragraph [0286] "file storage device 1220 contains files 1222 that store data

relating to one or more steps in Method 10 (FIG. 1)"); and make the stored portion of the

deliverable accessible to the client systems for use (paragraph [0286] "when performing a step in

Method 10, a user may select a file 1222 corresponding to that step"), with or without

customization, in connection with subsequent software development projects (paragraph [0286]

"the file may direct the user to undertake certain quality control actions during the development

of a software application").

Claims 7-12 are the method claim corresponding to system claims 1-7, respectively, and

rejected under the same rational set forth in connection with the rejection of claims 1-7,

respectively, above.

Claims 13-18 are the computer product claim corresponding to system claims 1-7,

respectively, and rejected under the same rational set forth in connection with the rejection

of claims 1-7, respectively, above.

Claim 20 is the system claim corresponding to system claims 1-7 and rejected under the

same rational set forth in connection with the rejection of claims 1-7, above.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-**

3732. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday

except every other Friday and Wednesday and federal holidays. Any inquiry of a general

nature or relating to the status of this application should be directed to the **TC 2100 Group**

receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the

organization where this application or proceeding is assigned is **571-273-8300.**

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Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191

                                                          WEI ZHEN
                                             SUPERVISORY PATENT EXAMINER